

REMARKS

The Office Action of July 10, 2002 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested. Claims 1-9 are pending in this application. Of these, claims 3 are independent claims. This Amendment amends claim 2.

Objection to the Specification

The Examiner has objected to the Specification because it does not contain an Abstract as required by 37 CFR §1.72(b). The Applicant has amended the Specification to include an Abstract and respectfully requests that the Examiner withdraw their objection to the Specification.

Objection to the Claims

The Examiner has objected to claim 2 for containing an informality. The Applicant has amended claim 2 to correct the informality per the Examiner's instructions. Accordingly, the Applicant respectfully requests that the Examiner withdraw their objection to claim 2.

35 U.S.C. §102(b) Rejections

The Examiner has rejected claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Abelow (United States Patent Number 5,999,908). The Applicant respectfully requests reconsideration in view of the argument presented below.

It is the Applicant's understanding that the Examiner has used the same basis of rejection for rejecting each of independent claims 1, 4 and 7. The Applicant's respectfully submits that Abelow fails to teach or suggest each of the elements claimed in independent claims 1, 4 and 7. The Applicant has reviewed Abelow and respectfully submits that Abelow does not teach or suggest a control assembly for controlling structures. The Applicant respectfully submits that the nature of a structure as claimed is physical in nature, e.g. a robotic arm or a beam (see page 23, line 25 through page 24, line 7).

It is the Applicant's understanding that Abelow describes a "Customer-Based

Product Design Module" which provides a means for communication between a vendor and their customers so that the customers can provide direct input, through their use of a product which incorporates the module, to future product design. The Applicant has reviewed the passages in Abelow cited by the Examiner, and respectfully submits that the described "Customer-Based Product Design Module" is void of any teaching or suggestion of the elements of the claimed control assembly, namely multiple actuators, a sensor for measuring structure movement and a marketwire connected to each actuator to convey price information by analog variations in electrical characteristics of the marketwire.

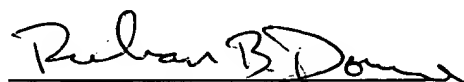
Accordingly, the Applicant respectfully requests that the Examiner withdraw their 35 U.S.C. §102(b) rejection of independent claims 1, 4 and 7.

The Applicant respectfully submits that the Examiner has not provided references to specific teachings in Abelow for the elements contained in dependent claims 2-3, 5-6 and 8-9. The Applicant respectfully submits that dependent claims 2-3, 5-6 and 8-9 depend on and incorporate their respective parent independent claims, which are distinguishable over the art of record as described above. Accordingly the Applicant respectfully requests that the Examiner withdraw their 35 U.S.C. §102(b) rejection of dependent claims 2-4, 6-7 and 9-10.

CONCLUSION

In view of the foregoing remarks, reconsideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call Attorney for Applicant(s), Richard B. Domingo at 650-812-4269.

Respectfully submitted,



Richard B. Domingo
Attorney for Applicant(s)
Registration No. 36,784
Telephone: 650-812-4269

Palo Alto, California
Date: 10/10/2002

APPENDIX A

Marked Up Amended Paragraphs Of Specification Under 37 C.F.R. 1.121(b)(1)(iii):

Appendix A sets forth a marked up version of the prior pending paragraphs(s) in the specification other than the claims with additions shown with underlining (e.g., new text) and deletions shown with a strikethrough (e.g., ~~delete text~~).

IN THE ABSTRACT

Please add the following in the Abstract:

A distributed market based control assembly used in conjunction with fixed or movable structures. Typically multiple actuators are attached to the structure, with each of the multiple actuators having an actuator controller to control actuator applied force. Sensors are used for measuring structure movement, and a marketwire is connected to each actuator controller to convey price information to the actuator controllers by analog fluctuations in electrical characteristics of the marketwire. Actuators can be used to stabilize a fixed structure against movement, or alternatively can be used to control movement of movable structures from defined first positions to second positions (e.g. moving a robotic arm so its tip moves from point A to point B).

APPENDIX B

Marked Up Amended Claims Under 37 C.F.R. 1.121(c)(1)(ii):

Appendix B sets forth a marked up version of the prior pending claim(s) with additions shown with underlining (e.g., new text) and deletions shown with a strikethrough (e.g., ~~delete text~~).

2. (Amended) The distributed market based control assembly for structures of claim 1, wherein ~~the~~ an analog ~~fluctuations~~ fluctuation in electrical characteristics of the marketwire are voltage changes.